REMARKS

Claims 71 to 98 are pending. Claims 71 and 91 are independent. Claims 85 to 98 are new dependent claims which are submitted to be supported by the application as originally filed.

Abstract

The Office Action objects that the Abstract is not on a separate page. The Examiner's attention is directed to MPEP section 1893.03(e) which applies to this application (which is the national phase of a PCT application). This section reads in part:

> The requirement of 37 CFR 1.52(b) that the abstract "commence on a separate physical sheet or electronic page" does not apply to the copy of the published international application communicated to the designated Offices by the International Bureau under PCT Article 20. Accordingly, it is improper for the examiner of the U.S. national stage application to require the applicant to provide an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the publication of the international application.

The Applicant submits that correction of the Abstract is not required.

Claim Amendments

Claims 72-90 and 92-94 have been amended to correct the claim dependencies.

The claims have also been amended for clarity.

Claims 78, 85 and 93 have been amended to correct the recitation regarding the modulus of elasticity.

New dependent claims 95 to 98 are added.

The claim amendments are submitted to add no new subject matter.

Compliance with 35 USC § 102

The Office Action rejected claims 71-74 and 78-81 under 35 USC § 102(b) as being anticipated by US Patent Application No. 2004/0010212 (Kuiper et al.). The Examiner is respectfully requested to withdraw this rejection. The claims, as amended, are submitted to be patentable over Kuiper et al.

Kuiper et al., as understood, discloses a limb covering having outer and inner layers (22 and 24) and a bladder (26) between the layers. The Kuiper et al. limb covering, as understood, is intended to apply inward pressure to a covered limb to counteract swelling.

Claim 71 recites first and second body-encircling members. The Office Action indicates that the inner and outer layers (22, 24) disclosed by Kuiper et al. can be equated to the claimed first and second body-encircling members. The Applicants submit that this is incorrect. The body encircling members as recited in independent claims 71 and 91, as amended, do not read on the outer layer (24) as described in Kuiper et al.

Claim 71, as amended, recites: a first body-encircling member configured to wrap around and grip the anatomical structure at a first location and a second body-encircling member configured to wrap around and grip the anatomical structure at a second location that is spaced apart from the first location in a direction along the anatomical structure. Claim 71, as amended, also recites that when the first and second body-encircling members are wrapped around the anatomical structure, inflation of the bladder forces the first and second body-encircling members apart, thereby applying traction to the anatomical structure.

The Applicants point out that the inner layer 24 and outer layer 22 of the Kueper et al. limb covering cannot be equated to the claimed body-encircling members for a number of reasons including:

- Outer layer 22 appears to be outside of layer 24 and spaced apart from the limb everywhere.
- The Kuiper et al. apparatus, as understood, is incapable of applying traction to a limb.

Therefore, claim 71 is submitted to be patentably distinct from Kuiper et al. Claims 72-74, 78-81 and 95 depend from claim 71 (directly or indirectly) and are submitted to patentably distinguish Kuiper et al. for at least this reason.

Further, claim 73, as amended, recites that the tubular portions extend parallel to the first direction [along which the bladder can expand preferentially]. In the Kuiper et al. arrangement, as understood, bladders (26) shown in Fig. 3 can expand inwardly to compress a wearer's leg and are oriented to extend essentially at right angles to the inward expansion direction. Therefore claim 73 is submitted to further distinguish Kuiper et al.

Claims 80 and 81 and 95 recite asymmetrically expandable material. Kuiper et al., as understood, fails to disclose the application of an asymmetrically expandable material. Such a material stretches more readily in one direction (a "high-stretch" direction) than it does in another direction (a "low-stretch" direction). Further, claim 80 recites a device "wherein a high-stretch direction of the material is oriented lengthwise relative to the tubular portions," and claim 81 recites a device "wherein a low-stretch direction of the material is oriented circumferentially around the tubular portions." Kuiper et al. as understood, fails to disclose these features. Kuiper et al. states that inner layer (24) should be flexible, elastic and distensible (see paragraph [0076]) but does not appear to disclose or suggest the application of an asymmetrically expandable material, as claimed in claims 80 and 81. Therefore, claims 80 and 81 are submitted to further distinguish Kuiper et al.

Compliance With - 35 USC § 103

The Office Action rejected claims 75-77 and 82-94 under 35 USC § 103(a) as being unpatentable over the combination of Kuiper et al. with US Patent No. 6,237,602 (Nickels et al.).

The Applicants submit that Nickels et al. fail to remedy the above-noted defects of Kuiper et al. Nickels et al. as understood, does not disclose first and second body encircling members as recited in claim 71, as amended.

As understood, Figures 10, 10a of Nickels et al. show a force generator (120) comprising a force generator bladder substantially as described as force generator (10) in connection with Figures 1 to 4 of Nickels et al. (see col. 6, ln. 40-50). A sheath (122) encases the bladder.

Claim 76 recites a device according to claim 75 "wherein the actuator extends through an angle which is at least 180 degrees". The Examiner indicated (on p. 7 of the Office Action) that Nickels et al. discloses an actuator which extended through an angle *less than* 180 degrees. Applicants agree that the Nickels et al. force generator (120) appears to extend through an angle of substantially less than 180 degrees. There would be no point in making the Nickels et al. force generator to extend through a greater angle since the purpose of the Nickels et al. force generator is to counter an undesired curve in the anatomy of a wearer (col. 6, ln. 61). Claim 76 recites an angle of *at least* 180 degrees. Therefore claim 76 and the claims that depend from claim 76 are submitted to further distinguish the cited Kuiper et al. / Nickels et al. combination.

Claim 77 recites "wherein the bladder expands preferentially in a direction lying substantially in a surface defined between the first and second body-encircling members". The Office Action alleges that this feature is disclosed in Figure 3 of Kuiper et al. This is submitted to be incorrect, especially in light of the clarified wording of claim 1.

Claim 83 recites a device "wherein, when laid flat, the actuator is generally rectangular and has a width in a direction along the body-encircling members that is greater than a height extending between the body-encircling members." The Examiner acknowledges that Kuiper et al. fails to disclose this feature (at the bottom of p.6 of the Office Action). The Applicants submit that Nickels et al. also fails to disclose this feature, as claimed.

Further, claim 89 recites a device according to claim 71, "the device comprising a first actuator located to be adjacent a first hip of a person wearing the device and a second actuator located to be adjacent a second hip of the person wearing the device." The Applicant submits that neither of the cited references disclose a device comprising two actuators, one adjacent to each hip of the wearer.

Claim 91 is an independent method claim. Claim 91 recites "securing the first body-encircling member around the body part at a first location", "securing the second body-encircling member around the body part at a second location spaced apart from the first location in a direction along the body part" and "upon inflation, the asymmetrically-expandable wall causes the bladder to expand preferentially in a direction that forces the first and second body-encircling members apart thereby applying traction to the body part". As discussed above, the Applicants submit that neither of the cited references disclose or suggest these features. Therefore, claim 91 is submitted to distinguish the cited references.

Claims 92-94 depend on claim 91 (directly or indirectly) and are submitted to patentably distinguish the cited references for at least this reason.

New claims 95 to 98 depend directly or indirectly from claim 71 and are submitted to distinguish the cited references for at least this reason.

Conclusion

The Applicants submit that this application, as amended, is in condition for allowance. Therefore, the Applicants respectfully request reconsideration and allowance of this application.

Respectfully submitted,

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